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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lal et al.

Title: **HUMAN SIGNAL-CONTAINING PROTEINS**

Serial No.: 09/002,485

Filing Date:

December 31, 1997

Examiner: T. Scheiner

Group Art Unit:

1642

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Sir:

This communication is in response to the Restriction Requirement mailed September 30, 1998, in the above-referenced application.

Claims 1-23 were originally filed. In response to the restriction requirement, Applicants elect the claims of Group II (claims 2-14, 22 and 23) with traverse. Applicants submit that the invention encompassed by the claims of Group II (drawn to polynucleotides, etc.) could be examined at the same time as the inventions encompassed by the claims of Groups I, III-V. For example, a search of the prior art to determine the novelty of the polynucleotides of the invention would provide information regarding the novelty of the encoded polypeptides and compositions thereof and corresponding antibodies. Accordingly, because the searches required to identify prior art relevant to all claims would substantially overlap, Applicants respectfully submit that examination of originally filed claims 1-23 would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the

claims in Groups I-V.

In the event that the Examiner determines that the Restriction Requirement should be maintained, Applicants hereby cancel claims 1, and 15-21 without prejudice to renewal as being contained within the non-elected groups. Applicants reserve the right to prosecute the non-elected claims in subsequent divisional applications.

Applicants believe that no fee is required with this communication. However, should the United States Patent and Trademark Office determine that a fee is due, the Assistant Commissioner is hereby authorized to charge the required amount to Deposit Account No. 09-0108.

This form is enclosed in duplicate.

Respectfully submitted,

INCYTE PHARMACEUTICALS, INC.

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Date: 10/15/98

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